

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director Economy and Place

Reference No.: 17/01095/VAR Variation of Condition

Proposal: **Variation of conditions 2 (no of pitches) and 3 (Hours of Operations) attached to planning application 13/02636/VAR. Condition 2 seeks to vary the condition from 6 pitches to 12 pitches. Condition 3 seeks to vary hours of operation.**

Location: The Russell Foster Football Centre Staddon Way Houghton-le-Spring DH4 4WL

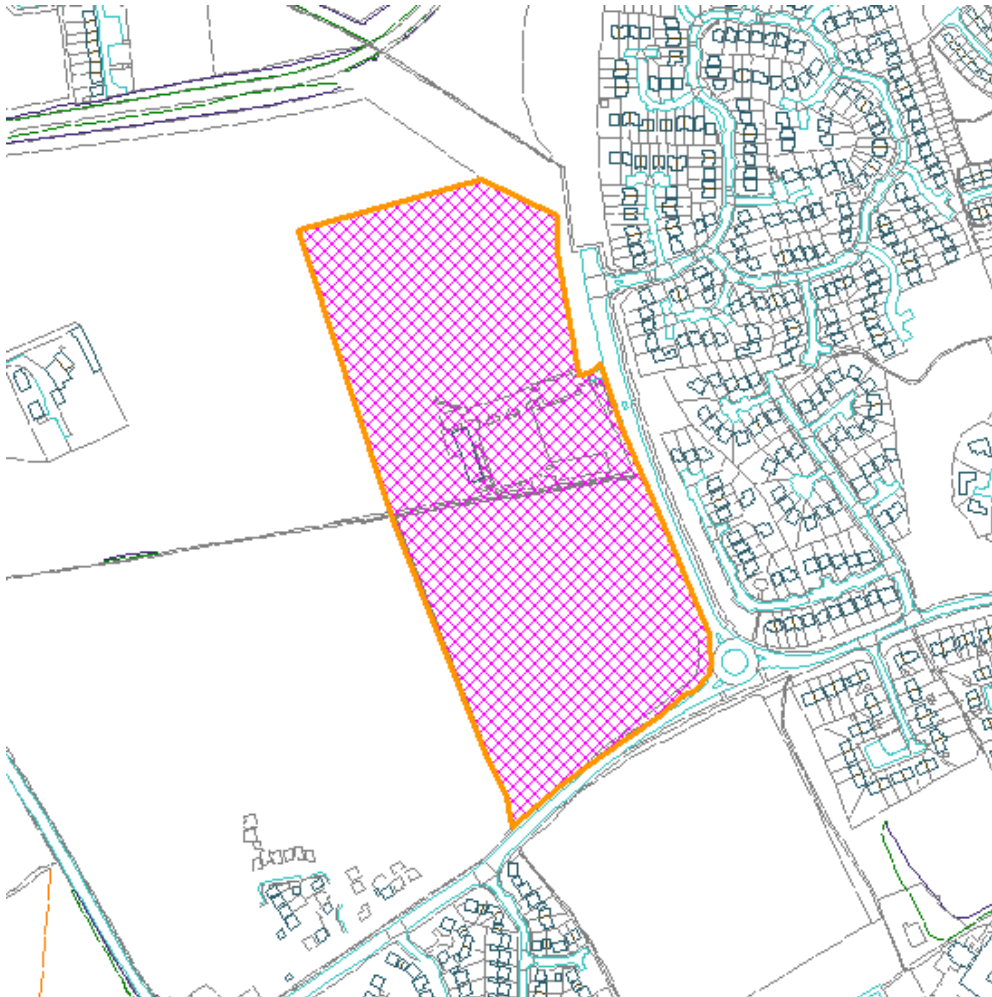
Ward: Houghton

Applicant: Mr David Armstrong

Date Valid: 2 June 2017

Target Date: 1 September 2017

Location Plan



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PROPOSAL:

The proposal is for the variation of conditions 2 (no of pitches) and 3 (Hours of Operations) attached to planning application 13/02636/VAR. Condition 2 seeks to vary the condition from 6 pitches to 12 pitches. Condition 3 seeks to vary hours of operation.

Existing and proposed operational hours

Facility	Day of the Week	Existing operational hours	Proposed operational Hours
Administration office	Monday to Friday (excluding bank holidays)	09:00 to 17:00	08:00 to 21:00
	Saturday	09:00 to 14:00	08:00 to 21:00
	Sunday	10:00 to 13:00	08:00 to 21:00
Classroom	Monday to Sunday (excluding bank holidays)	08:30 to 21:00	08:00 to 21:00
Pitches	Monday to Friday (except bank holidays)	1:30 to 3:30 (three times a week only) – not restricted to use by schools.	08:00 to 21:00

Planning Application 13/02636/VAR

Variation of condition 17 (opening hours) for previously approved application 04/02864/FUL (Construction of 20 no. pitches with associated changing pavillion, outdoor store and car parking. Also stopping up and change of use of footpath no. 60 to landscaped area.) for use 3 afternoons per week from 1:30pm until 3:30pm and during the week but not restricted to use by schools. On light nights the facility is offered for training purposes from 4:00pm until 8:00pm on Monday to Friday, pitches being cleared by 9:00pm. Weekends the facility is to be used for mini-soccer by the Russell Foster Youth League teams from 8:30am to 2:00pm Saturday and 9:00am to 2:00pm Sunday. During school holidays use is permitted from 9:00am until 9:00pm on all days. In addition, no more than 6 pitches will be used at any one time during the above operating hours.

The application was approved by Members of the Development Control Hetton, Houghton and Washington Sub Committee on the 26th February 2014 and the decision was issued on the 6th March 2014. The decision notice contained 3 conditions a copy is appended to the report. Condition 1 related to time restriction, condition 2 number of pitches and condition 3 regarding the operation hours.

The Implemented consent 04/02864/FUL

The original consent 04/02864/FUL was for the construction of 20 no. pitches with associated changing pavilion, outdoor store and car parking. Also stopping up and change of use of footpath no. 60 to landscaped area. This was approved by the Development Control Hetton, Houghton and Washington Sub Committee on the 10th March 2005 and the permission was issued on the 7th

April 2005.

Members are reminded that this application is a variation to an approved application and as such the principle of development cannot be considered. The only issues under consideration are the hours of operation and number of pitches to be used at any one time.

Members should also be aware that the applicant could revert back to the original approval for the site and operate 20 pitches under the 04/02864/FUL planning approval. This planning approval has been fully implemented and relevant conditions discharged.

This type of application would normally be determined under delegated powers; however the application has been called in by local ward members for determination by the Development Control Sub-Committee.

Planning History of Site

Application reference 98/00232/OUT - Foundation headquarters including pitches and associated ancillary facilities to include stopping up and change of use of Footpath no. 60 to car and coach park.

Approved 30.07.1998 Committee Decision

Application reference 02/00320/VAR - Extension to time conditions for application 98/00232/OUT - Foundation headquarters including pitches and associated ancillary facilities to include stopping up and change of use of footpath no.60 to car and coach park.

Approved 29.04.2002 Committee Decision

Application reference 04/02864/FUL: Construction of 20 no. pitches with associated changing pavilion, outdoor store and car parking. Also stopping up and change of use of footpath no. 60 to landscaped area.

Approved 07.04.2005 Committee Decision

Application reference 08/01617/VAR - Variation of condition 27 of permission 04/02864/FUL, Development of 20no junior sports pitches and associated changing facilities, car parking and landscaping.

Application Withdrawn

Application reference 12/01995/FUL - Erection of four containers (Retrospective).
Approved 6th March 2013 – Delegated Decision

Application reference 13/02636/VAR - Variation of condition 17 (opening hours) for previously approved application 04/02864/FUL (Construction of 20 no. pitches with associated changing pavilion, outdoor store and car parking. Also stopping up and change of use of footpath no. 60 to landscaped area.) for use 3 afternoons per week from 1:30pm until 3:30pm and during the week but not restricted to use by schools. On light nights the facility is offered for training purposes from 4:00pm until 8:00pm on Monday to Friday, pitches being cleared by 9:00pm. Weekends the facility is to be used for mini-soccer by the Russell Foster Youth League teams from 8:30am to

2:00pm Saturday and 9:00am to 2:00pm Sunday. During school holidays use is permitted from 9:00am until 9:00pm on all days. In addition, no more than 6 pitches will be used at any one time during the above operating hours.

Approved 6th March .2014 – Committee Decision

Application reference 16/02168/FUL - Upgrading of surfacing of the existing car park to hard standing, including the creation of additional car parking.

Approved 6th January 2017 – Committee Decision

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environmental Health
Network Management
Houghton - Ward Councillor Consultation

Final Date for Receipt of Representations: **29.08.2017**

REPRESENTATIONS:

Environmental Health Response:

It is noted a number of objections have been submitted in respect of the potential for noise generation.

Public Protection and Regulatory Services has reviewed the submitted documentation and considers the application is **acceptable subject to appropriate** conditions. Specifically,

Noise

Given that the noise impact assessment report is based to an extent on assumptions and noise modelling, and in order to safeguard residents from higher levels of noise, it is recommended that a validating noise monitoring assessment exercise is carried out within 3 months of the commencement of on-site operations to demonstrate that the assumptions and predictions made are indeed correct. Any approved physical or managerial measures proposed in the noise assessment shall be fully implemented / provided within a time period agreed by the LPA. The approved physical or managerial measures shall thereafter be retained and managed in accordance with the approved details.

It is also recommended that within 30 days of any granted consent, a Noise Management Plan shall be submitted to the local planning authority for their written approval. The Noise Management Plan, to prevent disturbance to local residents resulting from the hereby permitted use of the property, shall include undertakings and procedures for:

- i. The name(s) of an on-site supervisor responsible for the behaviour of users and for liaison

- with local residents;
- ii. The control of noise generated from outside areas;
- iii. Recording of complaints and response to those complaints;
- iv The annual review of the approved Noise Management Plan and, if necessary, the submission and approval of a revised Noise Management Plan;
- vi Any other matters that are reasonably required by the local planning authority.

The approved Noise Management Plan shall be followed and/or implemented at all times the site is in use.

The following information has been submitted by the Applicant;

The following appraisal of the submitted documentation may be useful in the determination and preparation of addition works and information;

Noise:-

A noise assessment has been undertaken by Wardle Armstrong, the application is to extend the use of the playing fields from Monday-Friday 13.30-15.30 (three times a week) to 08.00-21.00. Monday to Friday on light nights (excluding bank holidays) 16.00-20.00 for training purposes, pitches are to be cleared by 21.00. It is proposed that the times of use are changed to 08.00-21.00. Existing opening hours on a Saturday are 08.30-14.00 proposed to be 09.00-16.00. Sunday operating times are at present 09.00-14.00 proposed to be changed to 09.00-16.00. Additionally, this application seeks to restore the 12-pitch limit as approved in the original planning permission.

On the 8th and 18th 2017, Wardell Armstrong LLP carried out noise surveys to assess the noise levels at the site and at locations deemed to be representative of existing sensitive receptors . Attended monitoring was undertaken during fixtures held on the 8th July 2017, at a number of monitoring locations around each of the six pitches in use (2 pitches of 9-a-side and 4 pitches of 7-a-side).

Road traffic noise is described as being an audible noise source. Table three shows the daytime ambient noise levels at existing sensitive receptors. The increased number of traffic movements that will be generated due to the increase in pitches has been calculated and from this it is predicted that a 1.9dB(A) increase above the existing background noise level and this is deemed as having an insignificant impact.

Noise emissions associated with the maximum use of 12 pitches at one time has been assessed. A site visit was undertaken on the 8th July 2017 measurements were undertaken when the all six pitches were in use. The measurement were then used to construct a noise modal using CadnA. The highest predicted noise levels from the models are provided in Tables 4 and 5 alongside the ambient measured noise levels for both the weekday and weekend and the associated change at each receptor as a result of a maximum of 12 pitches in use. It is anticipated that there will be an increase of approximately 3dB(A) at ESR 1 during the weekend operational hours of 1400-1600 hours if all of the closest twelve pitches were in use as provided at Drawing Number NT12329/003. An increase in the baseline of dB(A) is considered to be 'just perceptible' and this change does not take account of existing attenuation provided by garden fencing for those receptors adjacent to the pitches located on Staddon Way.

The report states that the use of 12 pitches may give rise to a slight impact on existing residential receptors. The report states in section 6 that consideration should be given to providing information to users of the facility to be considerate to residents

Network Management response:-

The proposal seeks to increase the number of playing pitches from 6 to 12, although this number remains within the overall outline approval for 20 pitches on this site. The applicant is also seeking to extend the hours of operation for the facility.

There are no waiting restrictions currently in place along Staddon Way to allow enforcement of on-street parking during events and activities at the Football Centre. In 2012, there was a proposal to introduce a temporary order for a Rural Clearway and No Waiting at any time restrictions (double yellow lines) along Staddon Way and part of Coaley Lane. This was subject to a preliminary public consultation, and encountered a significant number of objections from residents living within The Crofters estate. The main objections related to the fear of displacing parking from Staddon Way into the residential streets, and as such the proposed restrictions were not introduced. However, since 2012 Gentoo Homes have now redeveloped the previously cleared Holmelands estate, and this location may experience overspill parking as part of the proposed increase in use of the Football Centre.

The provision of No Waiting Cones on match days has previously been used as a temporary measure by the Football Centre to try and prevent parking in the immediate vicinity of junctions. This has had limited success.

Northumbria Police are aware of complaints from residents over recent years and have previously visited the location on match days to assess the situation, and have the powers to take enforcement if vehicles are parked in a manner that causes obstruction. Examples of incidents have included parking across dropped kerbs and minor obstructions where the Police have taken action. There have been no reported road traffic collisions or incidents over the last five years to suggest there are any significant road safety issues.

It is recommended that the applicant removes the parking fee they have introduced as a donation to encourage full use of the existing on-site parking provision which recently received permission to upgrade and create additional on-site parking space. This recommendation would help address the issue of visitors parking outside of the boundary of the Centre, which based on previous parking surveys mainly occurs along both sides of Staddon way. Until the remaining section of the Coaley Lane / Philadelphia Link Road is completed, Staddon Way effectively acts as a cul-de-sac serving only The Crofters residential estate and the Football Centre. Staddon Way is wide enough to accommodate parking on both sides of the road and still allow two-way traffic flow, subject to no vehicles being parked in a way that would cause an obstruction.

Northumbria Police Response:-

Police are aware of a number of parking complaints at Staddon Way and surrounding areas over recent years as a result of the football that takes place at Russel Foster.

The road in question is a very wide road and I am not aware of any incidents where parking has obstructed the main carriageway of free passage of vehicles with due care and attention. I am aware of some incidents where a minority of attendees have parked across drop kerbs and caused minor obstructions and where this has been notified to us and observed then action has

and will continue to be taken. A search of our records shows that there has been no reported RTC's on the road over the last 5 years.

Police cannot attend the location every Saturday. It would not be proportionate nor a good use of public funds.

Police are required to be impartial in any dispute and assist parties to resolve matters. It seems that a sensible option could be for the owners of the ground to look to remove the charge for their carpark (which they say is a voluntary donation) as a good will gesture to their neighbours which would encourage a number of users to park away from the carriageway moving forward thus alleviating some of the parking concerns and hopefully foster a more neighbourly atmosphere between all parties.

Neighbour Representation

1 Petition in support of the application has been received which contains 622 signatures.

A total of 89 representations objecting to the proposal have been received, the reasons are listed below:-

- Issues with the parking charge
- Parking issues impact on the residents of the Crofters who state they sometimes cannot get out of the estate.
- Inappropriate /dangerous parking on the pavement
- User of the centre not using car park
- Increase in the opening hours impacting negatively on children and dog walkers
- Would like double yellow lines on Staddon Way
- Noise from site – causing stress to residents and people sleeping
- Impact on new residents of the building site to the rear being constructed (planning application 15/00815/HYB)
- Potential of accident waiting to happen with serious or fatal outcome
- Litter
- Day of survey was not typical use of pitches
- Anti-social behaviour
- National Forest Trees
- Review original consent
- Issues with amount of car parking available
- Impact on wildlife
- Council should measure noise on a Saturday and Sunday morning.
- Lack of consultation with residents
- Lack of management of the facility
- No objection to Administration and Classroom changes
- Increase on the number of pitches
- Forestry Commission needs to be involved.
- Road network inadequate

- If this gets voted through then the local residents will react accordingly. Many people on the estate feel the council has been bought off and we are council tax payers are not worth bothering about. It is about time you took note of our objections and bin this ridiculous planning application.
- Impacts the whole of Newbottle
- Facility contributes little to the local community and as a whole is detrimental to the health and well being of the local residents and the Newbottle community
- Impact from other new residential developments on close proximity
- Green belt land – The land is not Green Belt, it is allocated on the Unitary Development Plan as Settlement Break.

The issues of highways and operation time are covered in the main report. Supporting information in terms of a noise and transport statement have been submitted.

Other Issues raised:-

- Site Regularly breaches its permission – all breaches have been investigated and action accordingly by the Council Planning Compliance Team
- 5 year time has elapsed from original permission – Once the 2004 permission had been implemented the permission is live for ever unless revoked.
- EIA development (This is linked to the Forestry Commission decision) and not Sunderland City Council. The Development was not considered EIA development by Sunderland City Council back in 2004.
- Sunderland City Council cannot determine this application. – The Local Planning Authority is the competent authority to consider this section 73 application.
- Section 106 agreement. – There are no section 106 agreements linked to the site.
- Forestry Commission decision – is a separate issue to the application before members
- Tree Felling – No consent was required from the Local Planning Authority to carry out felling or works to trees on the applicant land. There are no Tree Preservation Orders on the site.
- Feel development is a done deal – all application are considered on their individual merit
- Officer don't live in the area
- Food van – This is not a material consideration in the determination of this application.
- Anti-social behaviour is a matter for other authorities to delay with
- Devaluation of properties - This is not a material consideration in the determination of planning application.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

EN_5_Protecting sensitive areas from new noise/vibration generating developments

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_21_Factors to be taken into account in the provision of parking

COMMENTS:

The key issues to consider as part of this application are the :

1. Points of clarification
2. Increase in operation hours and Increase in number of pitches from 6 to 12.

1. Points of clarification

Members are reminded that the principle of development is not under consideration as this has been established under the 2004 consent. The planning history above details the different consents the land has and able to implement. It should be noted that planning permission goes with the land and not the owners or tenants.

Issues have been raised as to whether Sunderland City Council can legal determine this application. Sunderland City Council is the Local Planning Authority and has a duty to determine applications submitted. The current application has been applied for under Section 73 of the Town and Country Planning Act 1990 (as amended). Consultations have been carried out in line with the Development Management Procedure Order 2015 and as such neighbour notification letters, site and press notice has been undertaken. A summary of all representation received is in the section of the report head representations.

There are also no legal agreements attached to this land.

The felling of the trees on the site does not require an formal decision from the Local Planning Authority.

The site is currently operating under the 2013 variation planning permission which restricts hours of operation and number of pitches.

The 2004 application was not subject to an Environmental Impact Assessment. The EIA which is referred to in the representation is the Forestry Commission EIA.

With reference to some aspects of the representations received in respect of where officer live and the application is a done deal, it should be noted that all application on judge on there individual planning merit an all application determined in an open and transparent manner.

2. Increase in operation hours and increase in the number of pitches.

The table below illustrates the in the existing and proposed hours of operation.

Existing and proposed operational hours

Facility	Day of the Week	Existing operational hours	Proposed operational Hours
Administration office	Monday to Friday (excluding bank holidays)	09:00 to 17:00	08:00 to 21:00
	Saturday	09:00 to 14:00	08:00 to 21:00

	Sunday	10:00 to 13:00	08:00 to 21:00
Classroom	Monday to Sunday (excluding bank holidays)	08:30 to 21:00	08:00 to 21:00
Pitches	Monday to Friday (except bank holidays)	1:30 to 3:30 (three times a week only) – not restricted to use by schools.	08:00 to 21:00

The previous consents have had difficult and confusing conditions regarding various aspect of the operation of this site. The proposed operational hours offers a consolidation of a condition to provide a clear condition for all aspect of the academy and how it will operate.

The presumption in favour of sustainable development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

As previously stated the principle of the development cannot be considered only the operational hours and increase in pitches can be considered as this is a variation of an existing permission.

A noise assessment has been submitted to consider the extension of operating time and increase number of pitches.

A noise assessment has been submitted and has been careful considered by the Council Environmental Section. Policy EN5 of the adopted Unitary Development Plan states: -

“ EN5 WHERE DEVELOPMENT IS LIKELY TO GENERATE NOISE SUFFICIENT TO INCREASE SIGNIFICANTLY THE EXISTING AMBIENT SOUND OR VIBRATION LEVELS IN RESIDENTIAL OR OTHER NOISE SENSITIVE AREAS, THE COUNCIL WILL REQUIRE THE APPLICANT TO CARRY OUT AN ASSESSMENT OF THE NATURE AND EXTENT OF LIKELY PROBLEMS AND TO INCORPORATE SUITABLE MITIGATION MEASURES IN THE DESIGN OF THE DEVELOPMENT. WHERE SUCH MEASURES ARE NOT PRACTICAL, PERMISSION WILL NORMALLY BE REFUSED”

The noise impact assessment report is based to an extent on assumptions and noise modelling, and in order to safeguard residents from higher levels of noise, it is recommended that a validating noise monitoring assessment exercise is carried out within 3 months of the commencement of on-site operations to demonstrate that the assumptions and predictions made are indeed correct. Any approved physical or managerial measures proposed in the noise assessment shall be fully implemented / provided within a time period agreed by the LPA. The

approved physical or managerial measures shall thereafter be retained and managed in accordance with the approved details.

The proposed variation in hours of operation is therefore considered to comply with policy EN5 of the adopted Unitary Development Plan and as such can suitably be controlled by imposing new planning conditions should members be minded to approve the variation to the consent. It is also recommended that within 30 days of any granted consent, a Noise Management Plan shall be submitted to the local planning authority for their written approval. The Noise Management Plan, to prevent disturbance to local residents resulting from the hereby permitted use of the property, shall include undertakings and procedures for:

- i. The name(s) of an on-site supervisor responsible for the behaviour of users and for liaison with local residents;
- ii. The control of noise generated from outside areas;
- iii. Recording of complaints and response to those complaints;
- iv. The annual review of the approved Noise Management Plan and, if necessary, the submission and approval of a revised Noise Management Plan;
- vi. Any other matters that are reasonably required by the local planning authority.

The approved Noise Management Plan shall be followed and/or implemented at all times the site is in use.

Number of pitches increase

The following appraisal of the submitted documentation may be useful in the determination and preparation of additional works and information;

Noise:-

A noise assessment was undertaken by Wardle Armstrong, the application is to extend the use of the playing fields from Monday-Friday 13.30-15.30 (three times a week) to 08.00-21.00. Monday to Friday on light nights (excluding bank holidays) 16.00-20.00 for training purposes, pitches are to be cleared by 21.00. It is proposed that the times of use are changed to 08.00-21.00. Existing opening hours on a Saturday are 08.30-14.00 proposed to be 09.00-16.00. Sunday operating times are at present 09.00-14.00 proposed to be changed to 09.00-16.00. Additionally, this application seeks to restore the 12-pitch limit which would be covered under the original planning permission which permits the use of 20 pitches.

On the 8th and 18th 2017, Wardell Armstrong LLP carried out noise surveys to assess the noise levels at the site and at locations deemed to be representative of existing sensitive receptors. Attended monitoring was undertaken during fixtures held on the 8th July 2017, at a number of monitoring locations around each of the six pitches in use (2 pitches of 9-a-side and 4 pitches of 7-a-side).

Road traffic noise is described as being an audible noise source. Table three in the submitted document states the daytime ambient noise levels at existing sensitive receptors. The increased number of traffic movements that will be generated due to the increase in pitches has been calculated and from this it is predicted that a 1.9dB(A) increase above the existing background noise level and this is deemed as having an insignificant impact.

Noise emissions associated with the maximum use of 12 pitches at one time has been assessed. A site visit was undertaken on the 8th July 2017 measurements were undertaken when the all six pitches were in use. The measurements were then used to construct a noise model using CadnaA.

The highest predicted noise levels from the models are provided in Tables 4 and 5 alongside the ambient measured noise levels for both the weekday and weekend and the associated change at each receptor as a result of a maximum of 12 pitches in use. It is anticipated that there will be an increase of approximately 3dB(A) at ESR 1 during the weekend operational hours of 1400-1600 hours if all of the closest twelve pitches were in use as provided at Drawing Number NT12329/003. An increase in the baseline of dB(A) is considered to be 'just perceptible' and this change does not take account of existing attenuation provided by garden fencing for those receptors adjacent to the pitches located on Staddon Way.

The report states that the use of 12 pitches may give rise to a slight impact on existing residential receptors. The report states in section 6 that consideration should be given to providing information to users of the facility to be considerate to residents.

Summary conclusion

Therefore on balance the proposed increase from 6 pitches to 12 pitches is considered acceptable in terms of noise levels and is considered to comply with policy EN5 of the adopted Unitary Development Plan and paragraph 109 of the National Planning Policy Framework subject to the conditions being imposed should members be minded to grant the variation.

In respect of highway consideration

Policy T14 of the adopted Unitary Development Plan states:

T14 PROPOSALS FOR NEW DEVELOPMENT SHOULD:-	
(i)	BE READILY ACCESSIBLE BY PEDESTRIANS AND CYCLISTS AS WELL AS USERS OF PUBLIC AND PRIVATE TRANSPORT FROM THE LOCALITIES WHICH THEY ARE INTENDED TO SERVE;
(ii)	NOT CAUSE TRAFFIC CONGESTION OR HIGHWAYS SAFETY PROBLEMS ON EXISTING ROADS. WHERE THIS CRITERION CANNOT BE MET MODIFICATIONS TO THE HIGHWAYS CONCERNED MUST BE PROPOSED TO THE SATISFACTION OF THE RELEVANT HIGHWAY AUTHORITY AND THE COST OF THESE MUST BE MET BY THE DEVELOPER;
(iii)	MAKE APPROPRIATE SAFE PROVISION FOR ACCESS AND EGRESS BY VEHICLES (INCLUDING BUSES), PEDESTRIANS, CYCLISTS AND OTHER ROAD USERS, PAYING PARTICULAR ATTENTION TO THE NEEDS OF PEOPLE WITH MOBILITY IMPAIRMENT;
(iv)	MAKE PROVISION FOR THE LOADING AND UNLOADING OF COMMERCIAL VEHICLES;
(v)	INDICATE HOW PARKING REQUIREMENTS WILL BE ACCOMMODATED.

There are no waiting restrictions currently in place along Staddon Way to allow enforcement of on-street parking during events and activities at the Football Centre. In 2012, there was a proposal to introduce a temporary order for a Rural Clearway and No Waiting at any time restrictions (double yellow lines) along Staddon Way and part of Coaley Lane. This was subject to a preliminary public consultation, and encountered a significant number of objections from residents living within The Crofters estate. The main objections related to the fear of displacing parking from Staddon Way into the residential streets, and as such the proposed restrictions were not introduced. However, since 2012 Gentoo Homes have now redeveloped the previously cleared Holmelands estate, and this location may experience overspill parking as part of the proposed increase in use of the Football Centre.

The provision of No Waiting Cones on match days has previously been used as a temporary measure by the Football Centre to try and prevent parking in the immediate vicinity of junctions. This has had limited success.

Northumbria Police are aware of complaints from residents over recent years and have previously visited the location on match days to assess the situation, and have the powers to take

enforcement if vehicles are parked in a manner that causes obstruction. Examples of incidents have included parking across dropped kerbs and minor obstructions where the Police have taken action. There have been no reported road traffic collisions or incidents over the last five years to suggest there are any significant road safety issues.

It is recommended that the applicant removes the parking fee they have introduced as a donation to encourage full use of the existing on-site parking provision which recently received permission to upgrade and create additional on-site parking space, however, this is not something the Local Planning Authority can enforce. A condition could be imposed to state that the parking facilities must be made available at all time during the proposed operational hours, if members are minded to grant consent.

Stadon Way is wide enough to accommodate parking on both sides of the road and still allow two-way traffic flow, subject to no vehicles being parked in a way that would cause an obstruction.

Members are reminded that the default position is the applicant could revert back to 20 pitches and different hours of operation under the 2004. This variation allows the Local Planning Authority to retain some element of control on restricting the pitches numbers and hours of operations.

No adverse comments have been received from the Local Highway Authority and as such it is considered that there are no significant adverse impact by increasing the number of pitches or hours of operation in terms on the highway as stated above there have been no reported road traffic collisions or incidents over the last five years to suggest there are any significant road safety issues.

It is therefore considered on balance the proposed increase in hours and numbers of pitches is considered acceptable and complies with the relevant National and Local Planning Policies. Policy T14 of the Unitary Development Plan is directly related to new developments, reference has been made to this policy to highlight to members that the 2004 approved planning permission was for 20 pitches. Therefore the applicant could use 20 pitches, the reduction 12 has to seen as compliant.

The increase from the current restricted 2013 consent has been carefully considered in terms of noise and highway impacts. The increase from 6 pitches to 12 and increase in operational hours is considered satisfactory and can be controlled by suitable worded conditions, should member be minded to approve the variation of condition application,

RECOMMENDATION: Approved subject to the draft conditions listed below:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission was granted 7th April 2005 to ensure that the development is carried out within a reasonable period of time.
- 2 No more than 12 pitches can be in use at any one time in order to comply with policies EN5 and T14 of the adopted Unitary Development in the interest of proper planning.
- 3 The proposed facilitates shall only operate between the hours stipulated below:

Administration Office

- 8.00am until 21.00pm Monday to Sunday (excluding public holidays).

Classroom

- 8.30am to 9pm Monday to Sunday (excluding public holidays).

Pitches

- 8.00am until 21.00pm Monday to Friday (excluding public holidays).
- 9.00am until 16.00pm Saturday and Sunday

In order to comply with policy EN5 of the adopted Unitary Development Plan.

- 4 The car parking associated with Russell Foster academy shall be available for use at all time during the permitted operational hours in order to comply with policies T14 and EN5 of the adopted Unitary Development Plan.
- 5 A validating noise monitoring assessment exercise shall be carried out within 3 months of the commencement of on-site operations to demonstrate that the assumptions and predictions made are indeed correct. Any approved physical or managerial measures proposed in the noise assessment shall be fully implemented / provided within a time period agreed by the LPA. The approved physical or managerial measures shall thereafter be retained and managed in accordance with the approved details. In order to comply with policy EN5 of the adopted Unitary Development Plan.
- 6 Within one month of the 12 pitches being brought into use a Noise Management Plan shall be submitted to the local planning authority for written approval, The Noise Management Plan, to prevent disturbance to local residents resulting from the hereby permitted use of the property, shall include undertakings and procedures for:
 - i. The name(s) of an on-site supervisor responsible for the behaviour of users and for liaison with local residents;
 - ii. The control of noise generated from outside areas;
 - iii. Recording of complaints and response to those complaints;
 - iv The annual review of the approved Noise Management Plan and, if necessary, the submission and approval of a revised Noise Management Plan;
 - vi Any other matters that are reasonably required by the local planning authority.

In order to comply with policy EN5 of the adopted Unitary Development Plan.

Reference No.: 17/01537/TP3 Tree Preservation order LAP Reg 3

Proposal: **Fell 3no. Sycamore, 2no. Whitebeam, 1no.Elder and replace with 3no.Lime trees**

Location: The Laurels Spout Lane Washington NE38 7HP

Ward: Washington Central
Applicant: Sunderland City Council
Date Valid: 25 July 2017
Target Date: 19 September 2017

Location Plan



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PROPOSAL:

Consent is sought for works to trees protected by TPO 31/G1. The trees in question are located on open land to the side of the Laurels, which is situated on Spout Lane in Washington. The application has been submitted by the City Council on land in its ownership and for this reason the application falls to being determined by Committee.

The submission sets out that the removal of these trees would prevent future damage to the adjacent wall bounding The Laurels and would ensure that further damage to residential drains would be prevented.

It is proposed to carry out the following works to trees to the side of The Laurels:

T1 - Sycamore - fell.
T2 - Whitebeam - fell.
T3 - Sycamore - fell.
T4 - Pine - fell.
T5 - Elder - fell.
T6 - Sycamore - fell.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Washington Central - Ward Councillor Consultation

Final Date for Receipt of Representations: **19.09.2017**

REPRESENTATIONS:

This application has been publicised by means of a site notice and no representations have been received.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

CN_17_Tree Preservation Orders and replacement of trees

COMMENTS:

The main issue to consider in this instance is the impact of the proposed works on the character, appearance and amenity value of the area.

Policy CN17 of the adopted Unitary Development Plan (UDP) is applicable in this instance, which states that the Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders and replacing trees in highways and other public areas, with species that help maintain the character of the locality.

None of the subject trees are considered to be of high value in their own right, but form part of a group of trees which provides a positive contribution to the amenity of the local area.

However, it is apparent, as confirmed by the Council's Arboricultural Officer, that the trees are quite compacted which has resulted in suppressed crowns and poor growth forms. Furthermore if left to grow the trees would be likely to cause damage to the existing wall bounding The Laurels

and as indicated by the drainage report that accompanies the application the current trees are causing damage to the drainage system.

It is proposed to replace the trees with 3no. Lime trees to the side of the Laurels, which will be spaced evenly to allow future growth. In this way the integrity of the TPO and the contribution it makes to the character of the surrounding area would be maintained, in accordance with policy CN17, above.

For such reasons, the proposal is considered to be compliant with the requirements of policy CN17 of the UDP and it is therefore recommended that Members grant consent for the proposed tree works, subject to the conditions set out below.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- (a)tackle prejudice, and
- (b)promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: It is recommended that Members are minded to grant consent under Regulation 3 of the Town and Country General Regulations Order 1992 and subject to the draft conditions listed below:-

Conditions:

- 1 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 2 This permission shall be for a limited period of 2 years from the date hereof and the works shall not be undertaken after the expiry of the period specified to ensure the protection of the amenity value of the tree and to comply with policy CN17 of the UDP.
- 3 Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.